1

2

3

4

5

6

7

8                     UNITED STATES DISTRICT COURT

9                    EASTERN DISTRICT OF CALIFORNIA

10

11  SOUTH TAHOE PUBLIC UTILITY
    DISTRICT, a public utility
12  entity,                              No. 2:02-cv-0238-MCE-JFM

13            Plaintiff,

14     v.                                ORDER

15  1442.92 ACRES OR LAND IN
    ALPINE COUNTY, CALIFORNIA;
16  F. HEISE LAND & LIVESTOCK
    COMPANY, INC., a Nevada
17  corporation, WILLIAM WEAVER;
    EDDIE R. SNYDER; CROCKETT
18  ENTERPRISES, INC., a Nevada
    corporation,
19
              Defendants.
20
                          ----oo0oo----
21

22       Plaintiff South Tahoe Public Utility District ("District")

23  moves to amend the judgment rendered in this eminent domain

24  proceeding to reflect 1) the cost of remediating contaminated

25  fill on the subject property; and 2)delinquent property taxes

26  owed, plus interest and penalties as reflected on the Alpine

27  County Tax Collector Records.

28  ///

                              1

1      On June 6, 2006, Defendant Integrated Farms, LLC

2  ("Integrated Farms") filed a Statement of Conditional non-

3  Opposition to the District's request, agreeing that the judgment

4  should be reduced to reflect both of the aforementioned items.

5  Counsel for Integrated Farms did question, however, whether the

6  District was entitled to interest on the $186,000.00 in

7  remediation costs it paid.

8      At the time of the August 7, 2006 hearing on the District's

9  motion, the District agreed to accept no interest on the

10  $186,000.00 provided that said amount was deducted from the

11  $12,659,439.00 judgment before any interest owed on said judgment

12  was computed.  A stipulation was accordingly entered on the

13  record as follows: 1) to deduct $186,000.00 from the judgment as

14  representing contaminated fill remediation costs; and 2) to also

15  deduct delinquent property taxes in the amount of $103,458.45,

16  plus interest at the rate of 1.5 percent per month on the unpaid

17  property tax balance after August 31, 2006.  The judgment shall

18  be amended accordingly.

19      IT IS SO ORDERED.

20  DATED: August 25, 2006

21

22

23  _____

24  MORRISON C. ENGLAND, JR
    UNITED STATES DISTRICT JUDGE

25

26

27

28

2